

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claim 7 is amended to correct a minor oversight in the previous Amendment (the word “combined” was mistakenly not deleted). No claims are added or canceled (claims 2 and 18 were previously canceled). As a result, claims 1, 3-17 and 19-21 remain pending in the application.

In the final Office Action of April 20, 2007, claims 1, 3-17 and 19-21 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 6,025,837 (Matthews) and further in view of U.S. Patent 5,940,073 (Klosterman).

Office Action's Response to Arguments

The pending Office Action cites 37 CFR §1.111(c), stating that the arguments do not point out the patentable novelty which the claims present in view of the art relied upon in the rejection. In response, it is noted that the Remarks of the Amendment of January 26, 2007 point out that independent claims 1, 7 and 13 were amended, thus obviating the rejections of those claims. In the amendments to claims 1, 7 and 13 the term “prompt” was replaced with “control” since “control” is used throughout the specification in disclosing various embodiments of the invention, whereas “prompt” is used less frequently in the specification.

In addition, the January 26, 2007 Amendment adds claim language further clarifying that the control corresponds to a programming function. For example, claim 1 was amended to recite “the display includes a ~~prompt~~ control corresponding with at least one programming function related to the at least one channel.” The amendments also specify the existence of a second channel with streaming video in those claims that did not recite this feature. For example, claim 1 was amended to recite “includes an on-screen display that combines a graphic element comprising the control with a broadcast streaming video from a second channel.” Claim 7 was amended to recite “display includes ~~information~~ a control related to programming at least one channel combined ~~with~~, the display further including broadcast streaming video from a second channel,” and claim 13 was amended similarly to recite “display including ~~information~~ a control for programming at least one function related to at least one channel combined with broadcast streaming video from a second channel.”

The Remarks on pages 7-9 of the January 26, 2007 Amendment provide a discussion of problems encountered in conventional systems, and how the present invention overcomes these drawbacks. The Remarks point out the problem that arises with conventional systems when one person is watching a show on a first channel and another person wants to program the system to tape a show on another channel for delayed viewing. Conventional systems require that the second person’s viewing be interrupted while the first person programs the system. The claimed embodiments overcome this drawback, providing a control for one channel while a streaming video broadcast of another channel is being viewed.

The Remarks also point out that the hypothetical combination of Matthews and Klosterman does not teach or suggest the feature recited in claim 17 of “generating a display including information related to at least one channel wherein the display includes at least one prompt [and] receiving a command in response to the prompt wherein the command corresponds with at least one function related to the at least one channel.” The Remarks conclude with a paragraph discussing each of the patent documents relied upon in the rejection, the Matthews patent and the Klosterman patent. Accordingly, it is respectfully submitted that the previous response conforms to the applicable standards for Amendments.

35 U.S.C. § 103 Rejection in view of Matthews / Klosterman

The §103 rejection 1, 3-17 and 19-21 in view of the hypothetical combination of the Matthews patent and the Klosterman patent is respectfully traversed.

As discussed in the Background of the application, a problem arises with conventional convergence systems when two people want to watch separate shows being aired at the same time. Conventional systems allow one show to be watched while taping the other show for time-delay viewing. However, a drawback of conventional systems is that the system cannot be programmed to record another channel without interrupting the viewing of the current channel. Conventional systems must be programmed in advance to avoid interrupting the currently viewed TV show.

The present invention overcomes this deficiency. Various embodiments of the present invention allow a user to display controls for programming functions the system for another channel while one channel is being viewed—thus avoiding interruption to the channel currently being viewed.¹ Turning to the claims, this feature is claimed as “a control corresponding with at least one programming function related to the at least one channel” and “wherein the display includes an on-screen display that combines a graphic element comprising the control with a broadcast streaming video from a second channel,” as recited in claim 1. The other claims also have features that involve the display of a programming function for a one channel while displaying broadcast video from another channel. The hypothetical combination of Matthews and Klosterman does not teach or suggest this feature.

The Matthews patent involves an interactive entertainment system which distributes video content to multiple subscribers over a distribution network. When a viewer using the of Matthews system activates a hyperlink within the electronic program guide (EPG), the user interface launches the browser, activating the target resource specified by the hyperlink and displaying information from the target resource. The present invention goes further than merely displaying data, instead allowing a user to have streaming broadcast data from one channel displayed, while at the same time using a programming function control to program

¹ See discussion in the present specification at 2nd paragraph of page 3, and further discussion at pages 9-12.

another channel. It is respectfully submitted that the Matthews patent does not teach or suggest this feature.

The Office Action points to Fig. 5 of Matthews, stating that “the display includes a control corresponding with at least one programming function related to the at least one channel, i.e., within the display either a prompt at More 140 or at ‘Last week; Comedy Club’ corresponding to the function of providing further information of the related channel.”² It should be noted that displaying information related to TV programs is not the same as a control for a “programming function related to the at least one channel” as recited in claim 1 (emphasis added). The specification distinguishes between providing information about the channels and programming the channels, for example, at page 3 which states:

In addition to the opportunity to provid[e] information channels or events while watching another channel, **the present invention provides the opportunity to program functions on the channels not being watched.** Thus, the viewer of one channel can program a recorder to record another channel or event without interrupting the first channel...³

Accordingly, it is respectfully submitted that the Matthews patent does not teach or suggest the feature of “at least one programming function related to the at least one channel” and “wherein the display includes an on-screen display that combines a graphic element comprising the control with a broadcast streaming video from a second channel,” as recited in claim 1. Regarding claim 7, it is respectfully submitted that the Matthews patent does not teach or suggest the feature of “wherein the display includes a control related to

² Office Action of April 20, 2007 at page 3.

programming at least one channel, the display further including broadcast streaming video from a second channel different than said at least one channel,” as recited in claim 7.

Regarding claim 13, it is respectfully submitted that the Matthews patent does not teach or suggest the feature of “the display including a control for programming at least one function related to at least one channel combined with broadcast streaming video from a second channel different than said at least one channel,” as recited in claim 13. Regarding claim 13, it is respectfully submitted that the Matthews patent does not teach or suggest the feature of “generating a display including ...at least one prompt,” “generating a video output ... wherein the video output does not correspond with the at least one channel,” and “receiving a command in response to the prompt wherein the command corresponds with at least one function related to the at least one channel,” as recited in claim 17.

Regarding the secondarily cited patent to Klosterman, this patent does not overcome the deficiencies of Matthews. The Klosterman patent involves a system for displaying an electronic program schedule with a URL for launching into a website related to the information about the TV programs listed on the electronic program schedule. For example, Fig. 6(b) of Klosterman cited in the Office Action depicts a program guide with rows of information related to various channels (e.g., rows for NBC, KGO, HBO ... KRON, etc.). One of the rows (KRON) contains a virtual channel 640. The Office Action states that Klosterman teaches a display screen that “provides the user a simultaneous displaying of

³ Specification at page 3 (emphasis added).

both the television programming in window 688 and the virtual channel—from a different or second channel.⁴ This is not what Klosterman teaches.

According to Klosterman, a “virtual channel is a channel that does not tune to television programs; instead, the channel may launch an application, connect to an internet site, connect to an information guide, and the like.”⁵ The program guide shown in Klosterman’s Figure 6(b) includes a virtual channel 640 that has a URL for launching a browser and connecting to a website with a webpage devoted to the show “Seinfeld.” Figure 6(d) of Klosterman depicts the “Seinfeld” webpage with a picture-in-picture type window 688 showing the channel the viewer was watching before launching the “Seinfeld” URL.

The Office Action states that the window 688 is a “television programming window.” Granted, the window 688 shows the television program which was being viewed before the URL was launched—however, the window 688 does not pertain to “control corresponding with at least one programming function related to the at least one channel,” recited in claim 1, or “a control related to programming at least one channel,” as recited in claim 7, or the similar programming control features recited in the other claims. Consequently, the Klosterman patent does not overcome the deficiencies of the Matthews patent.

⁴ Office Action, page 3.

⁵ Klosterman, col. 9, lines 24-27.

Accordingly, Matthews and Klosterman, either taken singly or in hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the pending rejection is respectfully requested.

In the event the pending rejection is maintained, it is respectfully requested that the next paper explain how either the Matthews patent or the Klosterman patent are being construed to teach or suggest the aforementioned features pertaining to a broadcast streaming video (or video output) from one channel on a display along with a control for programming another channel on the same display.

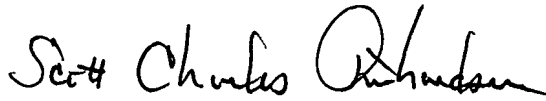
Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no fees or extension of time are required for this paper. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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Date: June 12, 2007